

**From:** Public Policy Law360 [news-alt@law360.com]  
**Sent:** 12/17/2019 8:42:59 AM  
**To:** Joffe, Brian [Joffe.Brian@epa.gov]  
**Subject:** [SPAM-Sender] Another Top Trump Spectrum Policy Adviser Resigns



Tuesday, December 17, 2019



## TOP NEWS

### Another Top Trump Spectrum Policy Adviser Resigns

A key Trump administration telecom policy adviser announced Monday that she's stepping down from her post as acting head of the National Telecommunications and Information Administration, just months after taking up the mantle from her embattled predecessor.

[Read full article »](#)

### Ex-W.Va. Lottery Chief Faulted For Continuing Law Practice

The West Virginia Office of Disciplinary Counsel admonished the former head of the state lottery commission, the agency that oversees sports betting in the state, for continuing to be involved with his real estate law practice in violation of state law.

[Read full article »](#)

### IRS Proposes Broadening Executive Pay Deduction Limits

The IRS on Monday proposed regulations broadening what businesses fall under a \$1 million limit on tax deductions for performance-based executive compensation to include corporations that either must register publicly or must file certain reports under federal securities law.

[Proposed Rule attached](#) | [Read full article »](#)

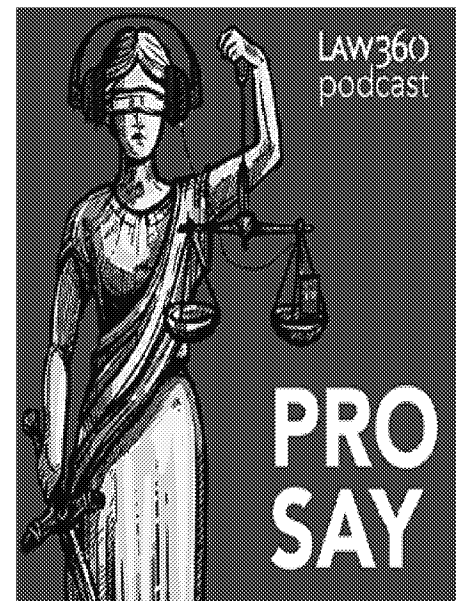
### Flynn Loses Brady Motions As His Attys Dinged For Copying

While blasting Michael Flynn's attorneys for copying portions of an amicus brief without attribution, a D.C. federal judge Monday rejected the former national security adviser's claim that he was pressured into pleading guilty to lying to federal investigators and shot down his complaints that prosecutors withheld dozens of key documents in his case.

[3 documents attached](#) | [Read full article »](#)

### \$1.4T Gov't Funding Deal Has Border Wall, Generics, Pensions


With four days before a shutdown deadline, Congress on Monday unveiled a sprawling \$1.4 trillion spending deal for fiscal year 2020 that touches generic drugs, pension funds, the border wall, tobacco purchases, research on gun violence, federal salaries and health care taxes.



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#### LAW FIRMS

Allen & Overy  
Bailey & Glasser  
BakerHostetter  
Barnes & Thornburg  
Bird & Bird  
Bryan Cave Leighton Paisner  
Clifford Chance  
Constantine Cannon  
Cooley  
Covington & Burling  
Cravath Swaine  
Cullen Law Firm  
DLA Piper  
Davis Polk

 2 documents attached | [Read full article »](#)

## NRC Beats Tribe's Challenge To Uranium Mine Review

The U.S. Atomic Safety and Licensing Board has backed the Nuclear Regulatory Commission's effort to review a proposed South Dakota uranium mine's impact on tribal cultural resources, rejecting the Oglala Sioux Tribe and environmental groups' final challenge to the project's license.

 Decision attached | [Read full article »](#)

## BANKING & SECURITIES

### Securities Org. Queries Conflicts, Blockchain In Debt Raising


The board of the International Organization of Securities Commissions released a report Monday asking for feedback related to conflicts of interest and the potential use of blockchain in debt capital raising.

[Read full article »](#)

## ENERGY & ENVIRONMENTAL

### EPA Watchdog Faults Agency's Harvey Air Response Rules

The U.S. Environmental Protection Agency failed to help Texas officials monitor air quality during toxic emission releases that happened at Texas industrial plants during Hurricane Harvey, the agency's watchdog said in a report Monday.

 Report attached | [Read full article »](#)

### Burning Man Says It May Flame Out Over Permit Headaches

The organizer of Burning Man, the gathering that transforms a section of Nevada's desert into a colorful community of tens of thousands, has said in a new lawsuit that the Bureau of Land Management is threatening the event with unreasonable delays and excessively high annual fees of nearly \$3 million.

 Complaint attached | [Read full article »](#)

## HEALTH & LIFE SCIENCES

### CMS Ignored Court Block On Hospital Pay Cuts, Judge Rules

The Centers for Medicare & Medicaid Services has "clearly disregarded" a court reversal of nine-figure cuts in hospital reimbursement this year by forging ahead with comparable cuts next year, a D.C. federal judge said Monday.

 Opinion attached | [Read full article »](#)

### Health Care Taxes Would Be Repealed Under Spending Plan

House leaders on Monday unveiled a pair of must-pass government spending bills, including one that would repeal multiple taxes imposed under the 2010 health care reform law and include retirement savings legislation passed by the House earlier this year.

 Bill attached | [Read full article »](#)

### Calif. Regulators Seize \$8.8M In Illegal Marijuana Products

Drinker Biddle  
Duane Morris  
FordHarrison  
Fried Frank  
Gibson Dunn  
Goodwin  
Gupta Wessler  
Harvey & Binnall  
Hawke McKeon  
Hogan Lovells  
Holland & Knight  
Holwell Shuster  
Jackson Lewis  
Jones Day  
Kaplan Hecker  
Katten  
Kaye Rose  
Latham & Watkins  
Locke Lord  
McCracken Sternerman  
Milbank LLP  
Morgan Lewis  
Orrick  
Paul Weiss  
Pillsbury Winthrop  
Ropes & Gray  
Sanford Heisler  
Schiff Hardin  
Schnader Harrison  
Selendy & Gay  
Sheppard Mullin  
Sidley Austin  
Susman Godfrey  
Thompson Hine  
Wigdor LLP  
Wilkinson Walsh  
WilmerHale  
Winston & Strawn

## COMPANIES

Organisation for Economic Co-  
operation and Development  
Aleris Corp.  
Alliance of Automobile  
Manufacturers  
Amazon Studios LLC  
American Civil Liberties Union

California regulators searched 24 unlicensed businesses in recent days, seizing \$8.8 million in products and marijuana as part of a crackdown on the state's illegal cannabis market.

[Read full article »](#)


### **NJ Pot Legalization Heads To Voters As Ballot Question OK'd**

The New Jersey Legislature agreed Monday to let voters decide next year whether to legalize recreational marijuana for adult use, after lawmakers failed to garner enough support to take that historic step on their own.

[Read full article »](#)

### **Senators Push DEA For Update On Expanding Pot Research**

Eight Democratic U.S. senators, including presidential candidates Elizabeth Warren and Cory Booker, have pressed federal drug policy enforcers for an update on extending research opportunities into marijuana's medical uses and if they have any plans to reschedule the drug.

 [Letter attached](#) | [Read full article »](#)

## **TRANSPORTATION & INFRASTRUCTURE**

### **Motorists Ask Justices To Revive Pa. Excessive-Tolls Claims**

Trucking trade groups, companies and motorists have asked the U.S. Supreme Court to undo a Third Circuit decision shutting down their claims that the Pennsylvania Turnpike Commission unconstitutionally charged excessive tolls that officials then used to pay for nonhighway purposes.

 [Petition attached](#) | [Read full article »](#)

## **EMPLOYMENT**

### **Employers Can Cut Off Dues When CBAs End, NLRB Says**

Employers that have agreed with unions to transfer dues directly from workers' paychecks can stop doing so when their collective bargaining agreements expire, a divided National Labor Relations Board said Monday in a precedent-shifting decision.

 [Decision attached](#) | [Read full article »](#)

## **COMPETITION**

### **DOJ Seeks Savings, Better Merger Rulings With Arbitration**

The head of the U.S. Department of Justice's antitrust division on Monday touted his decision to finally make use of a long-standing but never-before-used authority to arbitrate part of an ongoing merger challenge, presenting the move as a potential time and money saver that could be used regularly if the test case goes well.

[Read full article »](#)

### **Medical Boards Back La. Appraisers Against FTC At 5th Circ.**

A federation of state medical boards told the Fifth Circuit Monday that the Federal Trade Commission's enforcement action targeting Louisiana Real Estate Appraisers Board fee rules could have a chilling effect on its own members' ability to regulate the practice of medicine.

 [Brief attached](#) | [Read full article »](#)

American Civil Liberties Union of New Jersey

American Hospital Association

Animal Legal Defense Fund

Azarga Uranium Corp.

CVC Capital Partners

Center for Biological Diversity

DISH Network LLC

Defenders of Wildlife

Delta Air Lines Inc.

Dynamex, Inc.

Environmental Integrity Project

Facebook Inc.

Google Inc.

International Organization of Securities Commissions

LexisNexis Group

LinkedIn Corp.

Major Lindsey & Africa

McKinsey & Co. Inc.

National Conference of State Legislatures

Novelis Inc.

Public Knowledge

RELX PLC

Spokeo Inc.

T-Mobile US Inc.

The Allstate Corp.

The Coca-Cola Co.

The Federation of State Medical Boards Inc.

United Cannabis Business Association

Weedmaps

Wells Fargo & Co.

Wikimedia Foundation Inc.

## **GOVERNMENT AGENCIES**

Bureau of Industry and Security

Bureau of Labor Statistics

Bureau of Land Management

California Department of Justice

California Supreme Court

Centers for Disease Control and Prevention

Centers for Medicare & Medicaid Services

Congressional Budget Office

Department of Commerce

## CYBERSECURITY & PRIVACY

### NSA Shakes Wikipedia's Challenge To Online Spying Program

A Maryland federal judge has axed a long-running challenge to the NSA's controversial "upstream" collection of internet communications, ruling that the remaining plaintiff — Wikipedia's parent company — failed to demonstrate it had been harmed or even swept up by the government's surveillance.

 [Order attached](#) | [Read full article »](#)

### New Pa. Voting Machines Vulnerable To Hacking, Groups Say

A pair of election-security advocacy groups and voters from Philadelphia and Northampton counties filed a lawsuit seeking to have the Pennsylvania Department of State decertify recently introduced voting machines, saying they are vulnerable to hacking and are loaded with accessibility problems and privacy issues.

 [Complaint attached](#) | [Read full article »](#)

## INTERNATIONAL TRADE

### USTR Tells Mexico Watchdogs Won't Be 'Labor Inspectors'

U.S. Trade Representative Robert Lighthizer on Monday hit back at Mexico's objections to a labor watchdog provision in the newly revised North American trade accord, saying the government attachés won't be "labor inspectors" and will follow Mexican laws.

[Read full article »](#)

### DOJ Unveils No-Fine Policy For Self-Reporting Trade Breaches

The U.S. Department of Justice has revised its 2016 voluntary disclosure policy to provide companies with the benefits of a nonprosecution agreement and no fines for self-reporting trade violations.

[Read full article »](#)

## TAX

### Pillsbury Adds Ex-IRS Atty To Executive Compensation Group

Pillsbury Winthrop Shaw Pittman LLP added a former Internal Revenue Service Office of Chief Counsel attorney and Cooley LLP special counsel to its executive compensation and benefits group as a partner on Monday.

[Read full article »](#)

## IMMIGRATION

### Trump's Diversion Of \$3.6B For Wall Draws Judge's Queries

A D.C. federal judge appeared conflicted Monday over President Donald Trump bypassing Congress to transfer \$3.6 billion in military construction funds to build his long-promised southwest border wall, sharply challenging attorneys for both sides about the legality of Trump's reallocation of congressional funding.

[Read full article »](#)

### ICE Tells Mass. Court It Can Make Arrests Anywhere

The Trump administration is defending U.S. Immigration and Customs Enforcement's authority to arrest suspected unauthorized immigrants at

Equal Employment Opportunity Commission

European Union

Export-Import Bank of the United States

Federal Bureau of Investigation

Federal Communications Commission

Federal Trade Commission

Food and Drug Administration

Government Accountability Office

Internal Revenue Service

National Highway Traffic Safety Administration

National Institutes of Health

National Labor Relations Board

National Security Agency

National Telecommunications and Information Administration

New Jersey Legislature

New Jersey Supreme Court

Nuclear Regulatory Commission

Office of Foreign Assets Control

Office of National Drug Control Policy

Oglala Sioux Tribe

Pennsylvania Department of State

Pennsylvania Department of Transportation

Securities and Exchange Commission

Smithsonian Institution

Texas Commission on Environmental Quality

The Pennsylvania Turnpike Commission Inc.

U.S. Attorney's Office

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Department of Education

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Treasury

Massachusetts state courthouses, telling a Boston federal court Friday that the agency can make its arrests anywhere.

 [Motion attached](#) | [Read full article »](#)

## NATIVE AMERICAN

### Knock Down Broadband Barriers, Tribal Advisers Urge Feds

Native American members of a federal task force charged with finding ways to expand high-speed internet access on tribal lands have called for removing legal obstacles to deployment and beefing up federal subsidies for buildouts.

 [Report attached](#) | [Read full article »](#)

## TELECOMMUNICATIONS

### Justices Won't Touch \$61M TCPA Verdict Against Dish

The U.S. Supreme Court declined Monday to review Dish Network's loss in a Telephone Consumer Protection Act case over thousands of unsolicited telemarketing calls, cementing a \$61 million jury verdict against the telecom giant.

[Read full article »](#)


### House OKs \$1B To Help Small Carriers Replace Chinese Parts

The U.S. House of Representatives approved a bipartisan bill Monday that would allocate a total of up to \$1 billion to help small telecom carriers transition away from equipment manufactured by Huawei, ZTE and other firms deemed risks to national security.

 [2 documents attached](#) | [Read full article »](#)

### NTIA Should Stay Out Of Ligado Spectrum Issue, Groups Say

Several groups urged the Federal Communications Commission on Monday to stop deferring to a Department of Commerce agency opposing Ligado's bid for retooled spectrum space, saying that because other agencies lack veto power and their opinions lack support, "the FCC should ignore them."

 [Letter attached](#) | [Read full article »](#)

## EXPERT ANALYSIS

### Existing Laws Can Likely Solve Contractor Misclassification

Federal and state legislatures should consider the varying degrees of independent contractor misclassification and whether stricter enforcement of current laws may better protect compliant businesses and permit legitimate contractors to remain self-employed before emulating California's A.B. 5, says Richard Reibstein at Locke Lord.

[Read full article »](#)

### OECD Digital Tax Plan Shifts Tax Risk For Asset Managers

The Organisation for Economic Cooperation and Development's new digital tax proposal shifts the right to tax from the traditional physical presence method to one in favor of user/market jurisdiction. This could meaningfully impact which jurisdictions have the right to tax the profits of asset managers with clients across borders, say attorneys at Ropes & Gray.

U.S. District Court for the Central District of California

U.S. District Court for the District of Maryland

U.S. District Court for the District of Massachusetts

U.S. District Court for the Southern District of New York

U.S. Drug Enforcement Administration

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Supreme Court

United Nations

[Read full article »](#)

### **New California Laws Will Make Discovery More Costly**

Under two California procedural laws that go into effect Jan. 1, practitioners in the state may enjoy a more organized discovery process, but likely at the expense of their time and the client's money, say attorneys at DLA Piper.

[Read full article »](#)

### **Privacy Legislation Trends Connected Car Cos. Should Watch**

As connected car companies speed toward an automated future, the shift will require even more connectivity and data accumulation, squarely placing them under the purview of recently enacted and proposed state and federal cybersecurity and data privacy laws, say Reed Freeman and Ali Jessani of WilmerHale.

[Read full article »](#)

#### **Opinion**

### **A Light Touch Regulatory Framework For AI Is Best**

We advocate a light-touch, but graduated, sector-specific regulatory framework for artificial intelligence with more regulation only for technology that impacts fundamental rights, such as predictive policing and the use of AI in criminal justice, potentially dangerous environments and the health sector, say Roger Bickerstaff of Bird & Bird and Aditya Mohan of Skive it Inc.

[Read full article »](#)

## **LEGAL INDUSTRY**

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### **'This Profession Doesn't Need You,' Judge Tells Profane Atty**

A California federal judge laid into a Culver City attorney in court Monday and said the lawyer should be kicked out of the profession for sending opposing counsel profanity-laced, threatening emails demanding Allstate settle an insurance coverage suit.

[Read full article »](#)

### **Jones Day Gender Bias Suit Runs Into Skepticism From Judge**

A D.C. federal judge on Monday pressed the six female lawyers pursuing a gender discrimination suit against Jones Day for more specifics to support their claims that the BigLaw employer underpaid them and otherwise stymied their careers.

[Read full article »](#)

### **Davis Polk Rebuffs Black Atty's Racial Bias Claims**

Davis Polk & Wardwell LLP has told a New York federal court that a black ex-associate was fired because of his poor performance, not because of his race or in retaliation for his claims that the firm marginalized black attorneys.

[Read full article »](#)

### **Atty Booted From 2nd Circ. Blasts Incivility Before Losing Suit**

The self-described "annoyance lawyer" who was kicked out of a Second Circuit hearing last week for making sarcastic remarks lost his client's case on Monday after submitting a five-page letter to the court lamenting incivility in the profession and a "double standard" when it comes to judges' behavior.

[Read full article »](#)

### Susman Godfrey Surpasses Milbank Associate Bonus Scale

Susman Godfrey LLP on Monday announced an associate bonus scale that once again exceeds the market standard, offering bonuses more than double those at other BigLaw firms this year.

[Read full article »](#)

### Firms Can't Keep Up With Opportunities For New Business

Law firms are beefing up their marketing and business development departments in the face of overwhelming new business opportunities, but they don't have enough resources to follow up on those opportunities going into the new year, according to a report out Monday.

[Read full article »](#)

### Coca-Cola's GC To Step Down In 2020

The Coca-Cola Co.'s top lawyer will retire at the end of February, the company said Monday without naming a successor.

[Read full article »](#)

#### Interview

### 15 Minutes With The Smithsonian's General Counsel

As general counsel of the Smithsonian Institution, Judith Leonard has an unusual role because she leads a legal entity that not only has tax-exempt organization status, but is also part of the U.S. government. Here, she discusses her path to law school, the lessons she learned from working in government, and for which matters her team relies on outside counsel.

[Read full article »](#)

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Torts and Consumer Class Actions  
(Wilmington, DE Office)  
McCarter & English, LLP  
Wilmington, Delaware

Patent Agent Trainee - Life  
Sciences/Chemistry - Vancouver  
Smart & Biggar  
Vancouver, -

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